

§ 250.6

16 CFR Ch. I (1–1–02 Edition)

the actual test results. (See Note following paragraph (e) of this section.)

(e) No direct or indirect representation should be made concerning any performance characteristic of any upholstery fabric unless at the time such representation is made the advertiser has in his possession a reasonable basis therefor, which may consist of competent scientific tests and/or other appropriate substantiating materials.

NOTE: On demand by the Commission, any advertiser who makes representations concerning tests or performance characteristics of fabrics should submit documentation of such tests, studies, and other data (as he had in his possession prior to the time the claims were made), which purport to substantiate the truth of such representations. Accurate records of all such documentation should be maintained for three years from the date such representations were last disseminated.

[Guide 5]

[38 FR 34992, Dec. 21, 1973; 39 FR 1833, Jan. 15, 1974]

§ 250.6 Stuffing (including filling, padding, etc.).

Members of the industry should not make any direct or indirect representation relating to the stuffing of furniture which:

(a) Is false (e.g., describing cotton stuffing as “wool”, or urethane foam as “latex foam rubber”); or

(b) Has the capacity and tendency or effect of deceiving or misleading (e.g., by telling a half-truth, such as describing shredded or flaked foam rubber stuffing as “foam rubber” without disclosing, in a manner provided for under § 250.1 of this part, that it is shredded or flaked, or describing any non-latex foam cushion as “foam” without disclosing the kind of foam used, such as “urethane foam”).

(1) The unqualified terms “Foam”, “Latex” or “Latex Foam Rubber” or other terms of similar import, should not be used as descriptive of any part of the filling of an upholstery which does not consist of one or more homogeneous pads of latex foam rubber.

(2) When an upholstered industry product contains filling material consisting of a top layer of homogeneous latex foam rubber, or of other type of stuffing which is of substantial thickness, and another layer or layers of

other material, terms such as “latex foam rubber”, “polyurethane foam” or other terms which accurately describe the composition of such top layer may be used as descriptive thereof, *provided, however*, That in immediate conjunction therewith, nondeceptive disclosure is made of the fact that only a part of such filling material is of latex foam rubber or such other type of designated stuffing.

(3) When the filling is composed, in whole or in part, of latex foam rubber, polyurethane foam, or other type of stuffing which has been shredded, flaked, or ground, full and nondeceptive disclosure should be made of such fact in immediate conjunction with any such term irrespective of whether the pieces or shreds of latex foam rubber, polyurethane foam, or other type of stuffing are in loose form or are held together by glue or some other adhesive agent.

NOTE: This section is promulgated under the Federal Trade Commission Act for the purposes of interpreting requirements of such Act and to assist in the general enforcement of the Act. The section is not to be construed as relieving industry members from full compliance with applicable State and local legal requirements.

[Guide 6]

§ 250.7 Origin and style of furniture.

(a) Industry members should not make any direct or indirect representation which is false or likely to deceive prospective purchasers of furniture as to its origin, either domestic or foreign. For example:

(1) Furniture manufactured in the United States should not be unqualifiedly described as “Danish”, “Spanish”, “Italian”, “English”, or by any other unqualified terms suggesting foreign origin, unless the fact that such furniture was manufactured in the United States is clearly and conspicuously disclosed in advertising and on the furniture by means of such statements as “Made in U.S.A.” or “manufactured by” followed by the name and address of the domestic manufacturer.

(2) When appropriate, furniture may be described by such terms as “Danish Style”, “Italian Design”, “Spanish Influence”, “English Tradition” or by